

this country to abolish slavery and in the first sentence of that Constitution, you will find the Constitutional Convention delegates of that period stirringly proclaiming a variety of rights and freedom.

THE CHAIRMAN: You have three-quarters of a minute.

DELEGATE WAGANDT: It looks like I will have to skip a little.

I would mention some of the problems of racism in the early nineteen hundreds when we tried to disfranchise the Negro through a variety of constitutional amendments. Now we like to think we have reached a more enlightened era.

Truly great progress has been made, but still discrimination exacts its toll, and we do not know what the future holds, but we do know that Maryland has the opportunity here and now to stand forthrightly against discrimination and for equal justice.

THE CHAIRMAN: Your time has expired.

DELEGATE WAGANDT: On behalf of human dignity, I urge your support of this amendment.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, in speaking for the Committee's position, I want to say that I privately have very great sympathy for the minority position and may very well vote for it, but I think that I understand sufficiently well what the majority of the Committee had in mind to express it and to show the soundness of the Committee's position as well.

This Committee unanimously felt, and believed, that the State should be colorblind. I have no compunction to say that every member of this Committee recognized the colorblind principle, fully and completely, and felt that if they could find language which would state adequately and correctly the principle of colorblindness, in this constitution, that they would do a great service to the State.

We sought in meeting after meeting to arrive at adequate language which would express the colorblind principle.

We considered the language of the draft constitution prepared by the Commission. That language was very similar to that proposed by the Minority Report. It went

a little bit further. It talked about the State, its political subdivisions, and then it talked about no discrimination by governmental action.

However, a majority of the Committee felt the language, governmental action, was uncertain and that it did not do anything different from what the case law of the 14th Amendment did.

I think I should say also that nearly half the Committee felt that the problem of discrimination was not the problem of the State, but was a problem of discrimination in public matters, public areas, and that what ought to be banned was public discrimination as opposed to private discrimination.

However, a majority of the Committee did not feel also that that was a meaningful concept, and decided that the most meaningful, precise and correct statement of discrimination could be made by the simple adoption of due process and equal protection from the federal 14th Amendment, and that is what you have before you.

That is the Committee majority report.

There is a great deal of merit in that. Due process and equal protection have provided the greatest area of growth and the destruction of discrimination in this country that any language or any concept has ever permitted.

The concept of due process and the concept of equal protection under the laws is deeply rooted in the English system. The majority of the Committee felt that you could not do any better.

Now, let me say this. How much more explicit can we get when we say "no person shall be denied." That means no person. You do not get into the problems of whether to include sex, or religion, or who is to be included.

The Committee majority report says no person shall be denied the equal protection of the laws, no person shall be denied due process. That answers every single possible problem. We were aware of all of the points that were brought out by Delegate Mitchell and we felt that those problems were answered by the Majority Report, by the language "no person".

Let me say this to you, that Maryland ought to be in the mainstream of American life and development. The shoals on either side of the river, the shallow water